

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWENTY-EIGHTH LEGISLATURE

FIRST SPECIAL SESSION
October 23, 2017 to November 6, 2017

SECOND REGULAR SESSION
January 3, 2018 to May 2, 2018

THE GENERAL EFFECTIVE DATE FOR
FIRST SPECIAL SESSION
NON-EMERGENCY LAWS IS
FEBRUARY 5, 2018

THE GENERAL EFFECTIVE DATE FOR
SECOND REGULAR SESSION
NON-EMERGENCY LAWS IS
AUGUST 1, 2018

PUBLISHED BY THE REVISOR OF STATUTES
IN ACCORDANCE WITH THE MAINE REVISED STATUTES ANNOTATED,
TITLE 3, SECTION 163-A, SUBSECTION 4.

Augusta, Maine
2018

children aged 2 to 5 years and 2 children aged more than 5 years;

4. In Section 8.A.3.a of the rule, the age of the children of the licensee that are counted in the provider-child ratio and included in the licensed capacity is changed from under the age of 3 to under the age of 4;

5. In Section 14.E.2.b of the rule, the language requiring climbers, swings and slides to be 6 feet from any hard surfaces is removed and replaced with a requirement that the climbers, swings and slides be located at a sufficient distance to prevent injury;

6. In Section 14.E.3 of the rule, the requirement for equipment that exceeds 36 inches in height is amended to specify that the equipment exceeds 36 inches at the climbable or standing surface;

7. In Section 14.E.3 of the rule, the requirement that the rubber tiles and mats used must be approved by the American Society for Testing and Materials is removed;

8. In Section 14.E.3.b of the rule, language is added to include swings with climbers and slides;

9. In Section 14.E.3.b of the rule, the requirement for a minimum amount of 6 inches or more of energy-absorbing materials is removed and replaced with a requirement for a sufficient amount of energy-absorbing materials to prevent injury;

10. In Section 14.E.3.c of the rule, the requirement for energy-absorbing materials to extend at least 6 feet from the equipment to protect children is removed and replaced with a requirement that energy-absorbing materials extend beyond the equipment in all directions to prevent injury in the event of a fall;

11. In Section 17.A of the rule, language is added to require that a person assigned by a provider to drive children enrolled in care must complete training for transportation of children every 2 years.

Emergency clause. In view of the emergency cited in the preamble, this legislation takes effect when approved.

Effective April 15, 2018.

CHAPTER 49

H.P. 1244 - L.D. 1799

Resolve, Regarding Legislative Review of Portions of Chapter 308: Standards of Conduct for Transmission and Distribution Utilities and Affiliated Generators, a Major Substantive Rule of the Public Utilities Commission

Emergency preamble. Whereas, acts and resolves of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, the Maine Revised Statutes, Title 5, chapter 375, subchapter 2-A requires legislative authorization before major substantive agency rules may be finally adopted by the agency; and

Whereas, the above-named major substantive rule has been submitted to the Legislature for review; and

Whereas, immediate enactment of this resolve is necessary to record the Legislature's position on final adoption of the rule; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore, be it

Sec. 1. Adoption. Resolved: That final adoption of portions of Chapter 308: Standards of Conduct for Transmission and Distribution Utilities and Affiliated Generators, a provisionally adopted major substantive rule of the Public Utilities Commission that has been submitted to the Legislature for review pursuant to the Maine Revised Statutes, Title 5, chapter 375, subchapter 2-A, is authorized only if the rule is amended to:

1. Add a provision that specifies that a complaint may be brought for matters within the Public Utilities Commission's jurisdiction by an individual generator for acts or omissions of a transmission and distribution utility that are unreasonable, preferential, discriminatory or anticompetitive and the complaint must be treated in the same manner as a complaint otherwise brought by 10 persons as allowed by Title 35-A, section 1302;

2. Clarify in section 1 of the rule that the rule applies to an affiliated generator that:

A. Owns or develops generation or generation-related assets in the ISO-New England, or ISO-

NE, or Northern Maine Independent System Administrator, or NMISA, power system;

B. Imports generation into the ISO-NE or NMISA power system;

C. Is directly interconnected to the ISO-NE or NMISA power system;

D. Takes any action or makes any plans toward future ownership or development of generation or generation-related assets in the ISO-NE or NMISA power system; or

E. Takes any action or makes any plans to import generation or become directly interconnected to the ISO-NE or NMISA power system;

3. Add in section 2 of the rule a definition of "directly interconnected" to clarify that the term refers to the physical electrical connection of a generator to a transmission and distribution utility's transmission and distribution assets that allows that generator to transport electric power across the transmission and distribution utility's electric plant;

4. Add in section 2 of the rule a definition of "service territory" to clarify that it refers to the geographic area in which a transmission and distribution utility is authorized to provide service based on a finding of need by the Public Utilities Commission or a legislative finding of need;

5. Clarify in section 3, paragraph A of the rule that a transmission and distribution utility may not have an affiliate that owns generation or generation-related assets that are directly interconnected to any facilities owned or operated by the transmission and distribution utility or if the point of interconnection of generation or generation-related assets of the affiliate is within the service territory of the transmission and distribution utility;

6. Add in section 4 of the rule a general standard that explicitly prohibits preferential, discriminatory or other anticompetitive conduct by a transmission and distribution utility;

7. Clarify in section 4, subsection O of the rule that access to books and records is for the purpose of verifying compliance with the standards of conduct and that access to such books and records also applies to books and records that predate an affiliated generator's becoming subject to the rule; and

8. Clarify in section 7 of the rule that the training of employees to ensure compliance with the rule is limited to those employees that have access or may have access to the types of confidential information that is not to be shared.

The Public Utilities Commission is not required to hold hearings or undertake further proceedings prior to final adoption of the rule in accordance with this section.

Emergency clause. In view of the emergency cited in the preamble, this legislation takes effect when approved.

Effective April 18, 2018.

CHAPTER 50

S.P. 124 - L.D. 383

Resolve, Directing the Department of Health and Human Services To Develop a Plan To Strengthen the Quality and Supply of Child Care Services

Sec. 1. Department of Health and Human Services to develop child care provider plan.

Resolved: That the Department of Health and Human Services shall develop a plan for increasing the number of child care providers participating in step 3 and step 4 of the child care quality rating system developed pursuant to the Maine Revised Statutes, Title 22, section 3737, subsection 3 and the graduated quality differential rates of reimbursement for those providers. The department shall consult with stakeholders as it develops the plan, including those groups involved with the contract for the Quality for ME Revision Project. In developing the plan the department shall:

1. Determine if sufficient funding is available under the federal child care and development fund block grant to be used to support additional reimbursement based on quality;

2. Develop incentives for child care providers to attain step 3 and step 4 ratings, including reimbursement differentials, grant programs, contracts, professional development, child care and educational training programs and increased infant and toddler care, while balancing the regulatory requirements and needs of the entire child care system;

3. Take into account the geographic differences in the State so that parents in all areas have access to child care providers at step 3 and step 4;

4. Develop definitions of "disabilities" and "special needs" for infants and toddlers to be used in quality standards;

5. Determine if the federal statutory and regulatory framework allows the differential plan being developed and if changes are required in the state child care and development fund plan to align with the differential plan;

6. Determine any state statutory or regulatory barriers to increasing the supply and quality of child care; and